

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

UNITED STATES POSTAL SERVICE

and

**NATIONAL ASSOCIATION OF LETTER
CARRIERS, BRANCH 73**

**Cases 10-CA-149544
10-CA-154967
10-CA-159107**

and

**NATIONAL ASSOCIATION OF LETTER
CARRIERS, BRANCH 2225**

10-CA-155194

and

**AMERICAN POSTAL WORKERS UNION,
LOCAL 32**

10-CA-153583

DECISION AND ORDER

Statement of the Cases

On February 3, 2016, the United States Postal Service (the Respondent); National Association of Letter Carriers Branch 73 (NALC Branch 73), National Association of Letter Carriers Branch 2225 (NALC Branch 2225), and American Postal Workers Union, Local 32 (APWU, Local 32) (collectively, “the Unions”); and the General Counsel of the National Labor Relations Board entered into a Formal Settlement Stipulation, subject to Board approval, providing for the entry of a consent order by the Board and a consent judgment by any appropriate United States Court of Appeals. The parties waived all further and other proceedings before the Board to which they may be entitled under the National Labor Relations Act and the Board’s Rules and Regulations, and the Respondent waived its right to contest the entry of a consent judgment or to receive further notice of the application therefor.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

The Formal Settlement Stipulation is approved and made a part of the record, and the proceeding is transferred to and continued before the Board in Washington, D.C., for the entry of a Decision and Order pursuant to the provisions of the Formal Settlement Stipulation.

Based on the Formal Settlement Stipulation and the entire record, the Board makes the following

Findings of Fact

1. The Respondent's business

The Respondent is and has been, at all times material herein, an independent establishment of the Executive Branch of the Government of the United States. It operates various facilities throughout the United States providing postal services to the Nation, including its facilities in Atlanta, Decatur, and Smyrna, Georgia and other cities, herein collectively called the Atlanta District. The Respondent is now and has been at all material times, an entity subject to the Board's jurisdiction by virtue of the Postal Reorganization Act (the PRA), 39 U.S.C. § 1209.

2. The labor organizations involved

At all material times, NALC Branch 73, NALC Branch 2225, and APWU Local 32 have been labor organizations within the meaning of Section 2(5) of the National Labor Relations Act, as amended (the Act).

ORDER

Based on the above findings of fact, the Formal Settlement Stipulation, and the entire record, and pursuant to Section 10(c) of the National Labor Relations Act, the National Labor Relations Board orders that:

The Respondent, United States Postal Service, Atlanta, Georgia, its officers, agents, successors, and assigns, shall

1. Cease and desist from

(a) Refusing to bargain collectively and in good faith with NALC Branch 73, NALC Branch 2225, APWU Local 32, and/or any other labor organization representing bargaining unit employees of Respondent's facilities set forth in Appendix B (collectively referred to as "the Unions"), by refusing to provide information or by unduly delaying in furnishing information that is relevant and necessary to the performance of their duties as exclusive bargaining representatives of employees at the facilities described above.

(b) In any other manner interfering with, restraining, or coercing employees in the exercise of the rights guaranteed them by Section 7 of the Act.

2. Take the following affirmative action necessary to effectuate the policies of the Act:

(a) Upon request, provide the Unions with necessary and relevant information in a timely and appropriate manner.

(b) Waive, for 30 days following issuance of the Board's Order, any contractual deadlines for filing and pursuing grievances related to the requested information, where

the Unions missed contractual deadlines due to the Respondent's delay or refusal in providing information.

(c) At the Respondent's facilities set forth in Appendix B, the Respondent will maintain a log in which it will immediately record each information request tendered by the Unions, orally or in writing, at that facility. These shall include the following information: a brief description of the information requested; the name of the individual who is making the request; the name of the supervisor who received the request; the date the request was made; and the date that the Respondent's manager or supervisor provided the Unions with the requested information. If the manager or supervisor, having reviewed the documents requested, believes that the Respondent will need additional time, the manager or supervisor will inform the Unions in writing, requesting additional time and explaining the need for the additional time.

(d) Each manager and supervisor who is designated to receive union requests for information at the Respondent's facilities described in Appendix B will receive annual training which encompasses how to maintain the log and how to tender the relevant information requested by the Unions; each such supervisor and manager will sign an acknowledgement form attesting to the fact that he or she has completed said training. A copy of this acknowledgement form shall be maintained in the supervisor's or manager's training and history files. Union stewards will be granted access to the logs, upon request. Supervisors or managers who fail to reasonably supply relevant information to the Unions will have this fact mentioned in the "corrective action" column of the semi-annual audit report provided to the district manager and district manager of human resources. Repeated violations could lead to discipline of said supervisor or manager.

(e) Union stewards at the Respondent's facilities described in Appendix B must be notified when the manager or supervisor who is designated to receive requests for information at their particular facility has changed.

(f) The Respondent's legal department or its labor relations department shall conduct semiannual audits of the logs at each of the Respondent's facilities described in Appendix B to ensure that the information requested by the Unions is being handled in a timely and appropriate manner, and to ensure the logs are being properly maintained. Following the audit, the legal department or labor relations department shall tender, in writing, a written report that will be forwarded to the district manager and district manager of human resources.

(g) Within 14 days of service by the Region:

(i) Post at all of its facilities described in Appendix B, copies of the attached notice marked as Appendix A¹;

¹ If this Order is enforced by a judgment of a United States Court of Appeals, the words in the notice reading "Posted by Order of the National Labor Relations Board" shall read "Posted Pursuant to a Judgment of the United States Court of Appeals Enforcing an Order of the National Labor Relations Board."

(ii) Electronically post the Notice to Employees for employees at all its facilities described in Appendix B if the Respondent customarily uses electronic means such as an electronic bulletin board, e-mail, website, or intranet to communicate with these employees;

(iii) Send a copy of any Board Order and Notice to Employees to all its supervisors and managers at all its facilities described in Appendix B;

(iv) Copies of the notice, on forms provided by the Regional Director for Region 10, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places, including all places where notices to employees are customarily posted. The Respondent will take reasonable steps to ensure that the notices are not altered, defaced, or covered by any other material.

(v) In the event that, during the pendency of these proceedings, the Respondent has closed any of the facilities involved in these proceedings, the Respondent shall duplicate and mail, at its own expense, a copy of the notice to all current employees and former employees employed by the Respondent at the closed facility any time since April 1, 2015.

(vi) Within 21 days after service by the Region, file with the Regional Director a sworn certification of a responsible official on a form provided by the Region attesting to the steps the Respondent has taken to comply. The Regional Director shall be supplied a copy of the documents signed by the district manager of labor relations, attesting to the dates that the notices were received at each facility, and the dates that the notices were posted.

Dated, Washington, D.C., April 13, 2016

Mark Gaston Pearce, Chairman

Kent Y. Hirozawa, Member

Lauren McFerran, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD

APPENDIX A

NOTICE TO EMPLOYEES POSTED BY ORDER OF THE NATIONAL LABOR RELATIONS BOARD An Agency of the United States Government

PURSUANT TO A STIPULATION PROVIDING FOR A BOARD ORDER AND A CONSENT JUDGMENT OF ANY APPROPRIATE UNITED STATES COURT OF APPEALS

FEDERAL LAW GIVES YOU THE RIGHT TO:

Form, join, or assist a union
Choose representatives to bargain with us on your behalf
Act together with other employees for your benefit and protection
Choose not to engage in any of these protected activities.

WE WILL NOT refuse to bargain collectively and in good faith by refusing to provide information or by unduly delaying in furnishing information requested by American Postal Workers Union, Local 32 and National Association of Letter Carriers Branches 73 and 2225, and/or any other labor organization representing bargaining unit employees ("the Unions"), that is relevant and necessary the performance of their duties as the exclusive collective-bargaining representative of the bargaining unit employees .

WE WILL NOT in any other manner interfere with, restrain, or coerce you in the exercise of the rights guaranteed you by the National Labor Relations Act.

WE WILL, upon request, provide the Union with necessary and relevant information in a timely and appropriate manner.

WE WILL waive, for 30 days following issuance of the Board's Order, any contractual deadlines for filing and pursuing grievances related to the requested information, where the Unions missed contractual deadlines due to the Employer's delay or refusal in providing the information.

WE WILL, at certain facilities agreed upon by the parties, maintain a log in which the Employer will immediately record each information request tendered by the Unions, orally or in writing, at that facility. These logs shall include the following information: a brief description of the information requested, the name of the individual who is making the request; the name of the individual who is making the request; the name of the supervisor who received the request; the date the request was made; and the date that the Employer's manager or supervisor provided the Local Unions with the requested information. If the manager or supervisor, having reviewed the documents requested, believes additional time is needed, the manager or supervisor will inform the Unions in writing, requesting additional time and explaining the need for the additional time.

WE WILL provide annual training to each manager or supervisor who is designated to receive requests for information at the facilities described above which encompasses how to maintain the log, and how to tender the relevant information requested by the Unions; each such supervisor and manager will sign an acknowledgment form attesting to the fact that he or she has completed said training. A copy of this acknowledgment form shall be maintained in the supervisor's or manager's training and history files. Union stewards will be granted access to the logs, upon request. Supervisors or managers who fail to reasonably supply relevant information to the Unions will have this fact mentioned in the "corrective action" column of the semi-annual audit report provided to the district manager and district manager of human resources. Repeated violations could lead to discipline of said supervisor or manager.

WE WILL notify Union stewards at the facilities described above when the manager or supervisor who is designated to receive union requests for information at their particular facility has changed.

WE WILL, through our legal department or labor relations department, conduct semi-annual audits of the logs at the facilities described above to ensure that the information requested by the Unions is being handled in a timely and appropriate manner, and to ensure the logs are being properly maintained. Following the audit, our legal department or labor relations department shall tender, in writing, a written report that will be forwarded to the district manager and district manager of human resources.

UNITED STATES POSTAL SERVICE

The Board's decision can be found at www.nlrb.gov/case/10-CA-149544 or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1015 Half Street, S.E., Washington, D.C. 20570, or by calling (202) 273-1940.



Appendix B

The Employer's facilities located at the following addresses:

Central City Carrier Annex - 400 Pryor St., Atlanta, GA 30303

North Metro Processing and Distribution Center - 1605 Boggs Rd., Duluth, GA 30096

Peachtree Corners Station - 5600 Spalding Dr., Peachtree Corners, GA 30092-9998

Decatur Main Post Office - 520 W. Ponce de Leon Ave., Decatur, GA 30030

Smyrna Main Post Office - 850 Windy 11111 Rd. SE, Smyrna, GA 30080-9998

Lithia Springs Main Post Office - 2727 Skyview Drive, Lithia Springs, GA 30122

Alpharetta Carrier Annex - 1295 Bluegrass Lakes Pkwy., Ste. A, Alpharetta, GA 30004

Alpharetta Webb Bridge Station - 4575 Webb Bridge Rd., Alpharetta, GA 30005

Lawrenceville Main Post Office - 35 Patterson Rd., Lawrenceville, GA 30044

Griffin Main Post Office - 101 N 8TH St., Griffin, GA 30223

Woodstock Main Post Office - 225 Parkway 575, Woodstock, GA 30188

Stockbridge Main Post Office - 110 Walter Way, Stockbridge, GA 30281

Fairburn Main Post Office - 75 Washington St., Fairburn, GA 30213

Cedartown Post Office - 145 West Ave., Cedartown, GA 30125

Austell Carrier Annex - 5055 Austell Rd Ste. 181, Austell, GA 30106

Dallas Main Post Office - 280 Merchants Dr., Dallas, GA 30132

Mableton Main Post Office - 5284 Floyd Rd. SW, Mableton, GA 30126

Silver Creek Main Post Office - 4565 Rockmart Rd. SE, Silver Creek, GA 30173

Powder Springs Main Post Office - 4644 Powder Springs Dallas Rd., Powder Spring, GA 30127

Acworth Main Post Office - 4915 N. Main St., Acworth, GA 30101